

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD JOSEPH MCNATT,
Petitioner

V.

JUDGE OLIVER J. LOBAUGH,
Respondent.

C.A. No. 05-124 Erie

District Judge McLaughlin
Magistrate Judge Baxter

ORDER

On May 17, 2007, The Honorable Sean J. McLaughlin issued a Memorandum Order granting Petitioner's motion for reconsideration and re-opening this case to provide the parties with the opportunity to more fully address the application of the doctrines of exhaustion and/or procedural default to Petitioner's claims, and to specifically address the issue of whether the dismissal of Petitioner's claims as procedurally defaulted would amount to a fundamental miscarriage of justice.

AND NOW this 14th day of June, 2007,

IT IS HEREBY ORDERED that Petitioner shall file a brief with this Court on or before July 12, 2007, addressing the issues set forth in District Judge McLaughlin's Memorandum Order, dated May 17, 2007, and Respondents shall have until August 11, 2007, to file a responsive brief.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge